

SENATE BILL NO. 14

INTRODUCED BY D. STEINBEISSER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY REVENUE SHORTFALL FOR OPERATION AND MAINTENANCE OF THE FORT PECK MULTISPECIES FISH HATCHERY BE SUPPLEMENTED WITH FEDERAL FUNDS; DIRECTING THE USE OF PROCEEDS FROM THE WARM WATER GAME FISH STAMP SURCHARGE AS MATCHING FUNDS TO SECURE FEDERAL FUNDS; AMENDING SECTIONS 87-3-235 AND 87-3-236, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-235, MCA, is amended to read:

"87-3-235. Fort Peck multispecies fish hatchery established. (1) There is a multispecies fish hatchery near Fort Peck dam. The purpose of the hatchery is to provide healthy warm water game fish to improve the warm water fishing opportunities in Montana with minimal impact on cold water fish populations. Administration of the hatchery must be by the department, consistent with the department's authority provided for in 87-3-201.

(2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce warm water species. The hatchery is to employ land available through long-term lease from the U.S. army corps of engineers. It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to Fort Peck dam. Electric power for the hatchery may be purchased from Fort Peck dam at the lowest available rate.

(3) Warm water species to be propagated at the hatchery may include largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (~~*Stizostedion vitreum*~~) (*Sander vitreus*), sauger (~~*Stizostedion canadense*~~) (*Sander canadensis*), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), tiger muskellunge, other warm water species classified as species of special concern, threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*). The hatchery may also include raceways for salmon.

(4) Costs for hatchery construction, operation, maintenance, and personnel are to be funded with revenue in the warm water game fish accounts established in 87-3-236. Any revenue shortfall for hatchery operation and maintenance must be supplemented with federal funds. It is intended that the hatchery be

constructed in stages as revenue becomes available in the warm water game fish accounts established in 87-3-236."

Section 2. Section 87-3-236, MCA, is amended to read:

"87-3-236. Warm water game fish surcharge and stamp -- warm water game fish defined -- accounts established -- dedication of revenue to Fort Peck multispecies fish hatchery. (1) A person who is required to be licensed in order to fish in Montana and who desires to fish in waters listed pursuant to subsection (9) shall, upon purchase of a Class A, Class B, Class B-4, Class B-5, or Class A-8 fishing license, pay a warm water game fish surcharge of \$5. The surcharge is in addition to the license fee established for each class of license and entitles the holder to fish in the waters listed pursuant to subsection (9) as authorized by the department. Payment of the surcharge must be indicated by placement of a warm water game fish stamp on the fishing license.

(2) A warm water game fish stamp is valid for the license year in which it is purchased.

(3) Revenue from the warm water game fish surcharge must be placed in the account created in subsection (5) and may be used only for the purposes set out in subsection (7).

(4) As used in this section, "warm water game fish" includes but is not limited to all species of the genera ~~Stizostedion~~ Sander, Esox, Micropterus, and Lota and includes largemouth bass (Micropterus salmoides), smallmouth bass (Micropterus dolomieu), walleye (~~Stizostedion vitreum~~) (Sander vitreus), sauger (~~Stizostedion canadense~~) (Sander canadensis), black crappie (Pomoxis nigromaculatus), white crappie (Pomoxis annularis), channel catfish (Ictalurus punctatus), yellow perch (Perca flavescens), northern pike (Esox lucius), pallid sturgeon (Scaphirhynchus albus), paddlefish (Polyodon spathula), other warm water species classified as species of special concern, threatened, or endangered, chinook salmon (Oncorhynchus tshawytscha), and tiger muskellunge.

(5) There is an account into which must be deposited:

(a) all proceeds from the warm water game fish surcharge established in subsection (1); and

(b) money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the Fort Peck multispecies fish hatchery.

(6) The department shall administer the account within the state special revenue fund established in 17-2-102.

(7) Subject to the provisions of subsection (8), revenue collected under subsection (5) must be used by

1 the department for the operation, maintenance, and personnel costs of the Fort Peck multispecies fish hatchery
2 established in 87-3-235, which may include the costs incurred in eradicating illegally introduced warm water
3 species from Montana waters. No more than 15% of available revenue may be dedicated to eradication efforts.
4 When applying for supplemental federal funds for operation and maintenance costs of the Fort Peck multispecies
5 fish hatchery, as required in 87-3-235(4), the department shall use proceeds from the warm water game fish
6 surcharge as matching funds.

7 (8) The department may not use any nonfederal funds for the hatchery authorized in 87-3-235 other than
8 those in the account provided for in subsection (5). There is an account in the federal special revenue fund into
9 which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery and
10 from which the department may use funds for the hatchery authorized in 87-3-235.

11 (9) The department shall prepare a list of all waters into which fish from the Fort Peck multispecies fish
12 hatchery will be planted. All waters listed in the Montana fishing regulations that require a warm water stamp and
13 waters planted or waters that will be planted with fish from the Fort Peck multispecies fish hatchery must be
14 permanently included on the list. The waters designated in the list are the only waters for which a warm water
15 game fish stamp is required."

16
17 NEW SECTION. **Section 3. Contingent voidness.** If both [LC 416] and [this act] are passed and
18 approved, then [LC 416] is void.

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20 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2009.

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